

FILE COPY

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING
IN THE MATTER OF THE LICENSE OF

GLORIA J. MILLER, R.N.
RESPONDENT

FINAL DECISION & ORDER
(97 NUR 072)

LS 9711292NUR

The parties to this proceeding for purposes of sec. 227.53, Stats., are:

Gloria J. Miller
1301 Center Street
Watertown, WI 53098

Wisconsin Board of Nursing
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708

Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Gloria J. Miller, R.N., ("Respondent") was born on June 7, 1925, and is licensed to practice as a registered nurse in the state of Wisconsin pursuant to license number 114181, first granted on September 24, 1993.
2. An investigation, 97 MED 072, is pending before the Wisconsin Board of Nursing. During the time period of January 9, 1997 through March 20, 1997, Respondent is alleged to have engaged in verbal and mental abuse of patients.
3. Respondent, in consideration of her retirement from the practice of nursing in the State of Wisconsin, has tendered the voluntary surrender of her license effective on the date of this Final Decision And Order.

CONCLUSIONS OF LAW

1. The Wisconsin Board of Nursing has jurisdiction in this matter pursuant to sec. 441.07, Stats.

2. The Wisconsin Board of Nursing has the authority to resolve this matter by stipulation without an evidentiary hearing pursuant to sec. 227.44(5), Stats.

ORDER

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Respondent's license, effective on the date of this Final Decision And Order, is accepted.

IT IS FURTHER ORDERED that Respondent shall not apply for reinstatement of her license to practice nursing in the State of Wisconsin. Should Respondent attempt to apply for reinstatement of a license to practice nursing, the denial of that application by Respondent shall not constitute a denial of a license application for purposes of ch. RL 1, Wis. Admin. Code

IT IS FURTHER ORDERED that the pending investigation, 97 NUR 072, shall be and hereby is closed without further proceedings.

This order is effective on the date of its signing.

Dated at Madison, Wisconsin, this 29 day of November 1997.

WISCONSIN BOARD OF NURSING



A Member of the Board

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING
IN THE MATTER OF THE LICENSE OF

GLORIA J. MILLER, R.N.
RESPONDENT

:
:
: STIPULATION
: (97 NUR 072)
:

It is hereby stipulated between Gloria J. Miler, R.N. and James Polewski, attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows:

1. Gloria J. Miller, R.N., 1301 Center Street, Watertown, Wisconsin 53098, was born on June 7, 1925 and has been licensed as a registered nurse in the State of Wisconsin since September 24, 1993, license # 114181.

2. An investigation, 97 NUR 072, is pending before the Wisconsin Board of Nursing. The allegations which are the bases for the investigation involve patient abuse.

3. Ms. Miller, in consideration of her retirement from the practice of nursing in the State of Wisconsin, voluntarily surrenders her license effective on the date of the Final Decision And Order in this matter.

4. The pending investigation, 97 NUR 072, will be closed without further proceedings.

5. The Board of Nursing may enter the Final Decision And Order, a copy of which is attached hereto and incorporated herein.

6. The parties waive all costs of this proceeding.

7. Ms. Miller is aware of and understands each of her rights, including:

- the right to a hearing on the allegations against her, at which the state would have the burden of proving the allegations by a preponderance of the evidence,
- the right to confront and cross-examine the witnesses against her,
- the right to call witnesses on her own behalf and to compel their attendance by subpoena,
- the right to testify herself,
- the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision,
- the right to petition for rehearing,
- the right to be represented at every stage of the proceeding, including the making of any stipulation, by an attorney of her choosing, at her own expense,
- all other rights afford to her under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes and the Wisconsin Administrative Code.

8. Ms. Miller is aware and understands that by signing this stipulation she voluntarily and knowingly waives the rights set forth in paragraph 7 above, and does voluntarily and knowingly waive those rights.

9. The parties to this Stipulation agree that the attorney for the Division of Enforcement and the member of the Board of Nursing assigned as case advisor in this investigation may appear before the Board for the purpose of speaking in favor of this agreement and answering questions that the members of the board may have in connection with their deliberations on the stipulation.

If any term of this Stipulation or the incorporated Final Decision And Order is not accepted by the Wisconsin Board of Nursing, then no term of this Stipulation or the Final Decision And Order will be binding in any manner on any party, and the matter will be returned to the Division of Enforcement for further proceedings.

Dated: Oct 27 - 1997

Gloria J. Miller RN
Gloria J. Miller, RN.
Respondent

Dated: Oct 16, 1997

James E. Polewski
James E. Polewski
Attorney
Division of Enforcement

STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING
BEFORE THE BOARD OF NURSING

In the Matter of the License of

Gloria J. Miller, R.N.,

AFFIDAVIT OF MAILING

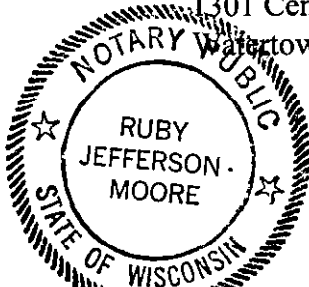
Respondent.


STATE OF WISCONSIN)
)
COUNTY OF DANE)

I, Kate Rotenberg, having been duly sworn on oath, state the following to be true and correct based on my personal knowledge:

1. I am employed by the Wisconsin Department of Regulation and Licensing.
2. On December 5, 1997, I served the Final Decision and Order dated November 29, 1997, LS9711292NUR, upon the Respondent Gloria J. Miller, R.N. by enclosing a true and accurate copy of the above-described document in an envelope properly stamped and addressed to the above-named Respondent and placing the envelope in the State of Wisconsin mail system to be mailed by the United States Post Office by certified mail. The certified mail receipt number on the envelope is P 221 157 612.
3. The address used for mailing the Decision is the address that appears in the records of the Department as the Respondent's last-known address and is:

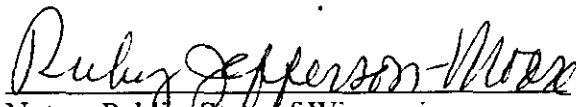
Gloria J. Miller, R.N.
1301 Center Street
Watertown WI 53098




Kate Rotenberg
Department of Regulation and Licensing
Office of Legal Counsel

Subscribed and sworn to before me

this 5th day of December, 1997.


Notary Public, State of Wisconsin
My commission is permanent.

NOTICE OF RIGHTS OF APPEAL

TO: GLORIA J MILLER RN

You have been issued a Final Decision and Order. For purposes of service the date of mailing of this Final Decision and Order is 12/5/97. Your rights to request a rehearing and/or judicial review are summarized below and set forth fully in the statutes reprinted on the reverse side.

A. REHEARING.

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in section 227.49 of the Wisconsin Statutes. The 20 day period commences on the day of personal service or the date of mailing of this decision. The date of mailing of this Final Decision is shown above.

A petition for rehearing should name as respondent and be filed with the party identified below.

A petition for rehearing shall specify in detail the grounds for relief sought and supporting authorities. Rehearing will be granted only on the basis of some material error of law, material error of fact, or new evidence sufficiently strong to reverse or modify the Order which could not have been previously discovered by due diligence. The agency may order a rehearing or enter an order disposing of the petition without a hearing. If the agency does not enter an order disposing of the petition within 30 days of the filing of the petition, the petition shall be deemed to have been denied at the end of the 30 day period.

A petition for rehearing is not a prerequisite for judicial review.

B. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in section 227.53, Wisconsin Statutes (copy on reverse side). The petition for judicial review must be filed in circuit court where the petitioner resides, except if the petitioner is a non-resident of the state, the proceedings shall be in the circuit court for Dane County. The petition should name as the respondent the Department, Board, Examining Board, or Affiliated Credentialing Board which issued the Final Decision and Order. A copy of the petition for judicial review must also be served upon the respondent at the address listed below.

A petition for judicial review must be served personally or by certified mail on the respondent and filed with the court within 30 days after service of the Final Decision and Order if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing. Courts have held that the right to judicial review of administrative agency decisions is dependent upon strict compliance with the requirements of sec. 227.53 (1) (a), Stats. This statute requires, among other things, that a petition for review be served upon the agency and be filed with the clerk of the circuit court within the applicable thirty day period.

The 30 day period for serving and filing a petition for judicial review commences on the day after personal service or mailing of the Final Decision and Order by the agency, or, if a petition for rehearing has been timely filed, the day after personal service or mailing of a final decision or disposition by the agency of the petition for rehearing, or the day after the final disposition by operation of the law of a petition for rehearing. The date of mailing of this Final Decision and Order is shown above.

The petition shall state the nature of the petitioner's interest, the facts showing that the petitioner is a person aggrieved by the decision, and the grounds specified in section 227.57, Wisconsin Statutes, upon which the petitioner contends that the decision should be reversed or modified. The petition shall be entitled in the name of the person serving it as Petitioner and the Respondent as described below.

SERVE PETITION FOR REHEARING OR JUDICIAL REVIEW ON:

STATE OF WISCONSIN BOARD OF NURSING

1400 East Washington Avenue

P.O. Box 8935

Madison WI 53708-8935